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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,726	06/30/2006	Mark C. Poznansky	62063(51588)	1191

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EXAMINER	
ROOKE, AGNES BEATA	
ART UNIT	PAPER NUMBER
1656	

MAIL DATE	DELIVERY MODE
06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,726	POZNANSKY ET AL.	
	Examiner	Art Unit	
	Agnes B. Rooke	1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-124* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-124* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-17, drawn to a pharmaceutical composition of HSP or HSPLP of SEQ ID NO:3, classified in class 530, subclass 350.

II. Claims 1-17, drawn to a pharmaceutical composition of HSP or HSPLP of SEQ ID NO:4, classified in class 530, subclass 350.

III. Claims 1-17, drawn to a pharmaceutical composition of HSP or HSPLP of SEQ ID NO:5, classified in class 530, subclass 350.

III. Claims 1-17, drawn to a pharmaceutical composition of HSP or HSPLP of SEQ ID NO:6, classified in class 530, subclass 350.

IV. Claims 1-17, drawn to a pharmaceutical composition of HSP or HSPLP of SEQ ID NO:7, classified in class 530, subclass 350.

V. Claims 18-28, drawn to pharmaceutical composition of LPLP, classified in class 530, subclass 350.

VI. Claims 29-44, drawn to a method of promoting fugetaxis by administering SEQ ID NO:3, classified in class 514, subclass 12.

VII. Claims 29-44, drawn to a method of promoting fugetaxis by administering SEQ ID NO:4, classified in class 514, subclass 12.

VIII. Claims 29-44, drawn to a method of promoting fugetaxis by administering SEQ ID NO:5, classified in class 514, subclass 12.

IX. Claims 29-44, drawn to method of promoting fugetaxis by administering SEQ ID NO:6, classified in class 514, subclass 12.

X. Claims 29-44, drawn to method of promoting fugetaxis by administering SEQ ID NO:7, classified in class 514, subclass 12.

XI. Claims 29-44, drawn to method of promoting fugetaxis by administering SEQ ID NO:8, classified in class 514, subclass 12.

XII. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:1, classified in class 530, subclass 350.

XIII. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:2, classified in class 530, subclass 350.

XIV. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:3, classified in class 530, subclass 350.

XV. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:4, classified in class 530, subclass 350.

XVI. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:5, classified in class 530, subclass 350.

XVII. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:6, classified in class 530, subclass 350.

XVIII. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:7, classified in class 530, subclass 350.

XIX. Claims 45-69, drawn to a pharmaceutical composition where the anti-fugetactic agent binds to SEQ ID NO:8, classified in class 530, subclass 350.

XX. Claims 70-77, drawn to a method of eliciting or enhancing an immune response, classified in class 514, subclass 12.

XXI. Claims 78-81, drawn to method of screening for an anti-fugetactic agent, classified in class 514, subclass 12.

XXII. Claims 82-105, drawn to a composition of an isolate from a thymoma, classified in class 514m subclass 12.

XXIII. Claims 106-109, drawn to method of producing a polypeptide, classified in class 530, subclass 350.

XXIV. Claims 110-120, drawn to a polypeptide having fugetactic activity, classified in class 530, subclass 350.

XXV. Claims 121-124, drawn to a method of screening for an anti-fugetactic agent, classified in class 514, subclass 12.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-V, XII-XIX, and XXII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the inventions I-V, XII-XIX, and XXII are directed to different compositions that utilize different substrates since each composition has distinct polypeptide used in the composition and other different substrates. Therefore, the inventions are distinct.

Inventions I-V/XII-XIX/ XXII/XXIV and invention XXIV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the inventions I-V/XII-XIX/ XXII are directed to different compositions that utilize different polypeptides and invention XXIV is directed to a polypeptide that has fugetactic activity that can have distinct structure from the compositions claimed in inventions I-V/XII-XIX/ XXII/XXIV. Therefore, the inventions are distinct.

Inventions VI-XI, XX, XXI, XXIII, XXV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the different methods claimed utilize different polypeptides (inventions VI-XI), have different steps and modes of operations (invention XX and XXI), have different goals and

purposes (inventions XXIII and XXV) that different from each other. Therefore, the inventions are distinct.

Applicant is advised that for the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes B. Rooke whose telephone number is 571-272-2055. The examiner can normally be reached on Mon-Fri/ Max Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr Bragdon can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AR

ROBERT A. WAX
PRIMARY EXAMINER